



*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**  
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

Ms. Susan Morales  
EPA Region 10  
1200 Sixth Avenue, Suite 900  
Mailstop: ECL-112  
Seattle, WA 98101

December 22, 2016

Re: Brownfield Coalition Assessment Grant Application for Lapwai Community, Idaho

Dear Ms. Morales,

Enclosed is the Nez Perce Tribe's Transmittal Letter proposal for a Brownfield Coalition Assessment Grant application for hazardous substances and petroleum. This cover letter follows the outline of required elements as described in the Proposal Guidelines for Brownfields Assessment Grants, RFP NO: EPA-OLEM-OBLR-16-08.

- a. Applicant:  
Nez Perce Tribe  
P. O. Box 365  
Lapwai, Idaho 83540
- b. Funding Requested:
  - i) Grant type: Assessment
  - ii) Assessment Grant Type: Coalition
  - iii) Federal Funds Requested: \$467,620.00
  - iv) Contamination: Hazardous substances (\$387,623.00) and Petroleum (\$79,997.00)
- c. Location:

The Nez Perce Reservation is located in north central Idaho and consists of 770,470 acres. The Reservation includes portions of Clearwater, Idaho, Latah, Lewis, and Nez Perce counties. The NPT owns 115,350 acres or 14.9% (55,500 acres Trust; 45,800 acres Indian Allotments; 8,850 Tribal fee acres, 5,200 wildlife acres) of the 770,470 total acres of the Reservation. The remainder of the Reservation is "checker boarded" with non-Indian lands both publicly and privately owned. This proposal will serve the community of Lapwai, headquarters of the Nez Perce Tribe, and City of Lapwai.
- d. Not applicable

e. Contacts:

i) Project Directors:

Kevin Brackney, Brownfields Tribal Response Program Manager  
Water Resources Division  
Nez Perce Tribe  
PO Box 365, Lapwai, Idaho 83843  
Telephone: (208) 843-7368  
email: kevinb@nezperce.org

ii) Chief Executive/Highest Ranking Elected Official:

Mary Jane Miles, Chairman,  
Nez Perce Tribe Executive Committee  
Nez Perce Tribe  
PO Box 305  
Lapwai, Idaho 83540

f. Population:

- i) The community of Lapwai has a population of 2,190 people per American Fact Finder based on the 2010 decennial censuses report.
- ii) The community of Lapwai has population of 1,491 Tribal members (68%) and 699 non-tribal members (32%).
- iii) The community of Lapwai is located within the rural area of Nez Perce County. 19.7 % of the community citizenry has been in persistent poverty for the past 30 years per American Fact Finder base on the 1990 and 2000 decennial censuses report. The Small Area Income and Poverty Estimates for Lapwai circa 2014, show all ages in poverty at the rate of 16.9%.

g. See Attached Regional Priorities Form and Other Factors Checklist.

h. Eric Traynor, Idaho Brownfield Program Manager, State of Idaho, Department of Environmental Quality (IDEQ) has provided a letter indicating that the IDEQ Coeur d'Alene Office has been informed and is supportive of the Coalition's intent to submit an application.

Sincerely,



Mary Jane Miles, Chairman

**1.a.i Community and Target Area Descriptions:** Lapwai, Idaho, the targeted community in this assessment coalition application, is a small rural community (pop. 2,190). Lapwai is located in Nez Perce County near the Idaho-Washington border in North Central Idaho and is part of a larger region called the Inland Pacific Northwest. It is nestled in the Lapwai Valley five miles from the confluence with the Clearwater River and 15 miles from the City of Lewiston, Idaho, along US Highway 95, which is the major north-south transportation corridor between northern and southern Idaho. Lewiston is the eastern-most seaport on the Snake-Columbia River system and connected by locks to the Pacific Ocean. Ocean runs of salmon and steelhead migrate upstream and spawn in the Clearwater River and its tributaries including Lapwai Creek.

Lapwai was once a thriving community but now bears the deep scars of historical trauma and environmental disregard of the past 150 years. Public buildings have been shuttered for years due to potentially contaminated materials, and there is long-standing uncertainty regarding community facilities' reuse and redevelopment. At the former Fort Lapwai site, the shuttered officers' quarters and the parade grounds are now edged by the derelict Lapwai Tuberculosis Sanatorium and Bureau of Indian Affairs (BIA) North Idaho Agency. The downtown business area and residential parts of Lapwai are marred by boarded-up and burned-out buildings; a former service station with graffiti, broken windows, and sagging roof; and blocks of broken and missing sidewalks. There is a great need to conduct Brownfields assessments of these properties so that remediation and redevelopment can take place.

The Lapwai Coalition (Coalition) is applying for an EPA Brownfield Assessment grant. The Nez Perce Tribe (through its Brownfield Tribal Response Program) will serve as the lead coalition member and applicant. The other coalition members include the Lapwai School District and the Nez Perce Tribe Housing Authority. These members are separate eligible entities. Lapwai School District is a State of Idaho School District (#341) and the Nez Perce Tribal Housing Authority is an entity separate from the Tribal government, established by resolution (Nez Perce Tribal Ordinance, Revision: April 21, 2008).

**1.a.ii. Demographic Information and Indicators of Need:** Lapwai is a rural community characterized by several socio-economic challenges, including persistent poverty, high unemployment, geographic isolation, lack of transportation, and lack of economic opportunity.

	City of Lapwai	Nez Perce County	State of Idaho	National
Population	2,190 <sup>1</sup>	40,048 <sup>1</sup>	1,634,806 <sup>1</sup>	321,418,820 <sup>4</sup>
Unemployment <sup>1</sup>	18.2% <sup>1</sup>	4.0% <sup>1</sup>	5.1% <sup>2</sup>	5.0% <sup>2</sup>
Poverty Rate	17.6% <sup>1</sup>	11.7% <sup>1</sup>	15.5% <sup>3</sup>	15.6% <sup>3</sup>
Percent Minority	83.4% <sup>1</sup>	9.9% <sup>2</sup>	6.5% <sup>1</sup>	37.2% <sup>1</sup>
Per Capita Income	18,621 <sup>1</sup>	\$24,570 <sup>1</sup>	\$22,568 <sup>3</sup>	\$28,555 <sup>3</sup>
Median Household Income	\$20,000 <sup>2</sup>	\$46,608 <sup>1</sup>	\$47,334 <sup>3</sup>	\$53,482 <sup>3</sup>

<sup>1</sup>Data are from the 2014 American Community Survey data profile and are available on American FactFinder at [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_5YR\\_DP05&src=pt](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP05&src=pt)

<sup>2</sup>Data are from the Bureau of Labor Statistics (The Employment Situation - March 2016) and are available at <http://www.bls.gov/news.release/pdf/empst.pdf>

<sup>3</sup>Data are from the 2014 American Community Survey data profile and are available on American FactFinder at [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_5YR\\_DP03&src=pt](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP03&src=pt)

<sup>4</sup>Data are from the 2015 Population Estimate (as of July 1, 2015) American Community Survey data profile and are available on American FactFinder at [http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml?src=bkmk](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk)

**1.a.iii. Brownfields and Their Impacts:** The Lapwai Coalition, the Brownfield Tribal Response Program (TRP), Nez Perce Economic & Community Planning, and community action

committees have prioritized the three areas listed below for assessment. The TRP is actively updating the Inventory of Brownfields sites in Lapwai (and across the Reservation) as part of the required Four Elements of TRP Grant requirements. The primary factors for choosing the three areas are the negative impacts to the local economy and public health and welfare from abandoned buildings. Additionally, drinking water is potentially contaminated from leaking underground storage tanks (LUSTs) and abandoned heating oil tanks due to the vulnerability of the underlying Lapwai Valley Aquifer, which supplies water to BIA and City of Lapwai municipal water wells. These sensitive environmental receptors were considered a factor in determining the site priority.

The shallow alluvial aquifer and interconnected upper portion of the Lewiston Sole-Source Aquifer in Lapwai have documented hyporehic exchanges between groundwater and surface water in Lapwai Creek. Gaining and losing reaches along the creek are a characteristic hydrologic feature of the Lapwai Valley Aquifer. Identification of nitrate and *E. coli* contamination, believed to be caused by septic tank effluent, has been documented within the upper drinking water aquifer in several locations in the immediate vicinity of Lapwai. Additionally, PCE contamination from a now-closed Underground Injection Well has also contaminated the alluvial aquifer in the immediate vicinity of BIA Wells #1 and #2 at the Fort Lapwai Parade Grounds.

The Tribe is also concerned that hazardous chemicals from the operations of the BIA Maintenance Shop and petroleum from abandoned gasoline stations may be degrading the aquifer and surface water as any contaminants in the alluvial aquifer mingle with drinking water and Lapwai Creek. Lapwai Creek also provides critical spawning habitat for endangered steelhead. Assessment and prevention of contaminants from entering the creek via groundwater is a major concern for the Tribe.

### **Area 1: Fort Lapwai Tuberculosis Sanatorium/BIA North Idaho Agency**

A) The Tuberculosis Sanatorium was constructed by the BIA on Tribal Trust property on the perimeter of the Fort Lapwai Parade Grounds circa 1920. The BIA subsequently transferred the property to the State of Idaho-Lapwai School District as an Indian School for as long as the buildings were used for educational purposes. In 2014 the School District abandoned their interest in the properties and the ownership has reverted back to the Tribe. Three brick buildings with classic-period architecture including embossed tin ceiling tiles and quality finish-carpentry details are eligible for listing on the National Historic Register. The buildings occupy prominent positions around the parade grounds of old Fort Lapwai. Two of the buildings, are vacant and deteriorating. Asbestos, PCB caulking, lead-based paint, radon, mold, and vermin droppings are some the reasons the buildings were vacated. Children are often found playing in the structures exposing themselves to the above hazardous materials. The third building was constructed as a kitchen and lunchroom for the Lapwai Indian School. The building is partially occupied but the basement is closed off with evidence of stabilized asbestos tiles (covered in plastic), asbestos pipe insulation (temporarily stabilized), and radon (labeled) remediation ventilation piping.

Underground steam tunnels extending 1,000-ft. or more from a former coal fired boiler room connect to the BIA Agency buildings. The steam tunnels have not been used for decades and their exact locations unknown. Presumably, these tunnels contain asbestos and possibly other contaminants.

**B)** The Fort Lapwai Officers' Quarters (built in 1883) is a two-story, clapboard structure and has been shuttered for decades and is the only remaining original structure from Fort Lapwai. The building is listed on the National Register of Historic Places, and the exterior of the building is curated by the Nez Perce National Historic Park. It was converted to a residential duplex in the early 1900s to house teachers at the Indian school; however, the interior is unoccupied and likely contains asbestos, lead-based paint, PCB caulking, and mold.

**C)** Eight buildings believed to be former teacher and medical residences built circa 1920 on Tribal Trust property have been converted to Tribal governmental buildings, serving the Nez Perce Tribe Children's Home, Language Arts, Day Care Center, Veterans' Services, and Temporary Assistance to Needy Families (TANF) offices. These buildings also surround the Parade Grounds and likely contain asbestos, lead-based paint, PCB caulking, and mold.

**D)** The BIA Maintenance Shop, now vacant, may contain hazardous materials from the decades of use in facilities and vehicle maintenance. The TRP suspects that the shop may have a motor vehicle waste fluids injection well.

**E)** The Former Lapwai School District Superintendent's Residence built circa 1920, is now vacant and deteriorating, and likely contains asbestos, lead-based paint, PCB caulking, vermin, and mold.

## **Area 2: Blighted Downtown Lapwai Core**

**A)** There is a bankrupt service station that has been shuttered since 2008, located on a prominent corner in the heart of downtown, with three underground fuel storage tanks (USTs) that have been abandoned and are out of compliance with federal UST regulations. Specifically, the UST's at this facility are illegally in "temporarily out-of-use" (TOU) status that were cited as noncompliant with federal regulations six years ago. EPA Region 10 Office of Compliance and Enforcement has determined that there is no viable responsible party for this facility. The TRP is actively working with EPA LUST Program and is hoping the facility will receive LUST/Trust funds to assess potential petroleum contamination. Assuming this is completed, the buildings at the gas station also need to be assessed as they functioned as a vehicle repair shop.

**B)** Three former commercial buildings on Lapwai's Main Street have been shuttered for decades and likely contain asbestos, lead-based paint, PCB caulking, vermin, and mold.

## **Area 3: Blighted Residential Neighborhood**

There are a minimum of 20 known residential properties with condemnable structures not considered fit for habitation or that have had structure fires. These houses are considered a complete loss. Two of these houses currently have homeless Tribal families occupying them. All of these structures are considered health hazards due to their location within residential neighborhoods while likely containing asbestos, lead-based paint, PCB caulking, vermin, and mold. It is also likely that many of these derelict houses were heated with buried heating oil tanks resulting in potential fuel oil contamination of soil and possibly shallow groundwater.

**1.b.i. Welfare Impacts:** Residents of all ages in Lapwai face visible brownfield sites every day. Known asbestos, lead paint, PCB caulking, radon, vermin and mold are present at the former BIA buildings at the site of the old fort in the heart of Lapwai. While the buildings were used in the mid-20th century as tuberculosis sanatorium, Lapwai Indian School, Early Childhood Development Center and North Idaho Agency offices of the BIA, they were permanently closed

15 years ago following years of complaints of headaches, nausea and other physical ailments that numerous children and employees complained of while at the buildings.

A legacy of decades of historical trauma at the BIA buildings deeply affects residents, many of whom are direct descendants of persons engaged in mission activities or forced into residence at the Indian school or the tuberculosis sanatorium. Since many Nez Perce children were forced into the Indian school and scores of others died from tuberculosis at the sanatorium, cultural sensitivity is a recognized concern. Now that responsibility for the BIA buildings has clearly reverted to the Tribe, it is time to enact positive changes on these blighted properties.

USDA has classified five U.S. Census tracts on the reservation as food deserts, and four more tracts as having limited access to fresh food. The blighted areas in the Lapwai community have created a shortage of affordable housing for Tribal and non-tribal individuals and families, causing decreased public safety due to run down or vacant properties. Low-income families are living in sub-standard housing and blighted apartments. Blight in the downtown core with broken windows and fencing, shuttered windows of former storefronts, and an abandoned service station signals a broken sense of vitality. Because of these multiple conditions existing concurrently, each in such a flagrant way, they have served as disincentive and deterrent factors to community and economic development. These blighted buildings are in prominent locations within the Lapwai community and could be re-purposed to benefit the community.

**1.b.ii. Cumulative Environmental Issues:** In addition to the presence of brownfield sites and possible petroleum contamination, drinking water is threatened from a motor vehicle waste fluid underground injection well (UIC) located 200 feet from a BIA well that serves not only a Tribal housing development but the Lapwai Elementary School. A suspected UIC may also be present at the BIA Maintenance Shop. Water well sampling has previously identified priority contaminants in the drinking water including nitrate and *E. coli*. These contaminants and perchorethylene (from a UIC well) threaten public health and safety.

**1.b.iii. Cumulative Public Health Impacts:** In the Lapwai community, residents of all ages are affected by poverty and many live in or near the targeted Brownfields because these sites are within walking distance of downtown, shopping, schools and healthcare. The Lapwai community contains older trailer courts and residences built prior to 1939 with potential environmental hazards impacting residents. Children and pregnant mothers are found living in housing that contains lead-based paint exposing children in the community to health risks that could impede their mental and physical development. Children actively play in blighted properties and are being exposed to asbestos, PCB caulking, radon, mold, and vermin.

**1.c.i. Economic Conditions:** Like so many tribal governments throughout the United States, the Nez Perce Tribe Executive Committee (NPTEC) must confront poverty and its collateral damage of crime, unemployment, family disruption, and lack of educational opportunities for its members. The tribal government attempts to address these problems in collaboration with the City of Lapwai and Lapwai School District, but programs and needs are chronically under-funded and in need of support from outside sources. Diminished revenue from the Tribe's two small casinos has resulted in a spending freeze and several employee lay-offs. The 2008 recession caused a decline in tax revenues to the City of Lapwai that were already low due to the limited area tax base resulting in an inability to address a precipitous, unexpected drop in revenue. Two sawmills on the Reservation closed in 2016 resulting in the layoff of 105 employees.

The majority of housing in Lapwai is low to mid income. Because of low incomes, area residents are classified as highly rent burdened. The percentage of students at Lapwai Middle-High School qualifying for free lunch is incredibly high at 89%, and reflects the economic hardships of the community.

**1.c.ii. Economic Effects of Brownfields:** Without addressing the need to assess and remediate brownfield areas, the Tribe and City cannot move forward in addressing the critical need for infrastructure development. The local economy cannot grow from increased tourism when the majority of the downtown buildings are shuttered, suffering from blight, vandalism or divestment and few amenities to serve tourists. The downtown retail core currently has only a small tribal gift shop, a convenience and smoke shop, and a tavern that serves food on the occasional days it is open. If blighted buildings are assessed and cleaned up, there is the potential for at least eight new small businesses to take residence. City of Lapwai officials are hampered in development efforts as they must weigh needs against limited available funds. Currently, the need for a new municipal water system is the highest priority for the city council, and costs for new wells and municipal water lines continue to increase. The longer the targeted sites are not fully assessed and addressed, the more that remediation will cost in the long run.

**2.a.i Project Description and Alignment with Revitalization Plans:** Lapwai has the largest Indian population on the Nez Perce Reservation, and therefore has many people conducting business with the Nez Perce Tribe's governmental complex in the heart of Lapwai. These visitors must pass the blighted downtown area and blocks of substandard and abandoned housing to get to the tribal complexes. Lapwai is conveniently located on the north-south Hwy 95 corridor between Boise and Coeur d'Alene and could play a vital role as a place of commerce along that corridor. Additionally, many of the more than 300,000 annual visitors who come to the Nez Perce National Historical Park Interpretive Center located three miles away also venture into Lapwai to see the downtown and the site of the former Fort Lapwai. In so doing, they also experience the blight of what is now the shadow of a formerly vibrant downtown with a clearly visible need for environmental assessment, remediation, and revitalization.

Nonetheless, Lapwai is a diamond in the rough. The Lapwai Valley is picturesque, the downtown retains its turn of the century character, and the area is rich in Native American culture and history. The community is far under-utilized regarding tourism development. The Nez Perce Tribe is recognized internationally and hundreds of thousands of visitors come to the area each year to visit the National Park Service's Nez Perce National Historical Park and its interpretive center, view the site of old Fort Lapwai, explore traditional tribal village sites, or follow the National Historic Nez Perce Trail. Others come to drive or hike along the portion of the trail of the Lewis and Clark Expedition near Lapwai, or drive along the scenic byway and Clearwater River. The superintendent of the national park recently stated that NPS staff would be willing to send busloads of tourists to Lapwai "if downtown amenities were in place."

In 2011 and 2014, the Tribe's Economic Development Coordinator worked with the University of Idaho's Architecture Program in a collaborative partnership resulting in two designs and planning proposals to revitalize and transform Lapwai, one envisioning a new retail and entrepreneurial center for tribal arts and the other a sustainable city and vibrant center for Nez Perce tribal government. Community charrettes were held to gather input and information, with a total of 87 people participating in the visioning process. The preliminary and final designs were presented at two public meetings. At the end of the process the Tribe was presented with a published full color book summarizing the conceptual designs intended to help the Tribe and the

Lapwai community realize their collective vision to transform the “land of the butterflies” into a sustainable city with priorities identified by the community through a community review process. Contents include alternative plans for community and tribal land use, concepts for adaptive use of historic buildings on the Parade Grounds, and facility designs for new tribal headquarters, elder care, and post-secondary education. The same community involvement process will be used by the Lapwai Coalition for the brownfield assessment process. These development plans were well received by the Nez Perce Tribe and Lapwai community and are available for redevelopment planning and use once the Coalition is in the cleanup and redevelopment phases.

The Nez Perce Tribe Executive Council is working toward establishing its own utility commission and updating its comprehensive land use plan. Some progress has been made in the community with collaborative partnerships engaged in community gardens and a heightened interest in cultural tourism.

The Lapwai Coalition is seeking \$467,720 for a coalition assessment grant (\$387,623 in hazardous substance funds and \$79,997 in petroleum funds) to address a demonstrated need for federal assessment funds. This grant request is critical to meet the needs of several community goals identified in the Idaho Community Review Report for the Nez Perce Tribe and the City of Lapwai (June 2012). The Idaho Community Review Program is a collaboration of federal, state, tribal and local governments along with the private sector that is coordinated by the Idaho Rural Partnership.

The assessment and subsequent remediation of these target areas must take place before the Coalition and Lapwai community can meet their long-term redevelopment goals: 1) increasing foot transportation opportunities by creating safe pedestrian corridors to connect the residential areas with schools and tribal government areas; 2) securing and remediating blighted residential properties to create space for affordable housing; 3) securing and remediating blighted downtown commercial properties to allow for development of new small business enterprises; 4) assessing and remediating downtown and BIA buildings to repurpose them for vocational training, business development and education facilities for the community; 5) revitalizing the downtown shopping and business district to attract more visitors; and 6) assessing, remediating, and repurposing the historical buildings that are part of the community’s history and culture to retain that history and give the community back buildings that can serve the community, such as for an elderly care facility. This grant will start the process to provide the Lapwai community with the same level of protection from environmental and public health hazards that many other communities enjoy and will give the community members input into the decision-making process for the assessment, remediation and redevelopment of the identified areas.

**2.a.ii(a) Contractor Procurement:** Grant administration and management will be conducted by the Tribe in accordance with the financial management requirements as specified the Tribe’s Finance Manual, which is believed to be in compliance with the OMB Uniform Administrative Guidance requirements. Specifically, all Requisitions for goods and services shall be submitted to the Finance Department with the following approval signatures already obtained, depending on the amount of the total expenditure: \$0.01 to \$5,000, Employee & immediate Supervisor/Project Leader; \$5,001 to \$20,000, above plus Program/Division Manager or Director; \$20,001 to \$50,000, above plus responsible Department Executive; \$50,001+, above plus copy of NPTEC Resolution. In addition to dollar amount considerations above, bids are required based on the dollar limits shown below from at least three (3) independent vendors or contractors, meeting the specifications provided by the Department or Program/Division,



as follows: \$0.01 to \$5,000, no formal bids required (use best judgment); \$5,001 to \$20,000, telephone bids required & documentation retained; \$20,001 to \$50,000, written bids required & documentation submitted; \$50,001+, advertising for written bids also required. Additionally, contracts in the cumulative amount of \$50,000 (\$20,000 if sole source) and lasting more than three months requires a review by Office of Legal Counsel and approval by Tribal Council.

**2.a.ii(b) Proposed governance structure of coalition partners:**

The Lapwai Coalition consists of four entities including the Nez Perce Tribe, the Nez Perce Tribe Housing Authority (an independent agency), the Lapwai School District, No. 341, and City of Lapwai. Land ownership on the Reservation is complicated and has resulted in a disproportionately large number of derelict properties for a small community. The professional staff from the TRP will manage the project on behalf of the Tribe utilizing their Brownfield expertise and will represent Tribal Government. The Nez Perce Tribe Housing Authority is a separate branch of the Nez Perce Tribe with an independent Executive Director and Board of Commissioners and separate funding as established by Tribal Ordinance, and is uniquely responsible for providing decent, safe, affordable, and sanitary housing to Tribal members. The Lapwai School District was the previous owner of the BIA Grounds that include the three large building that previously served as the Indian School and the Tuberculosis Sanitarium. They have deep institutional knowledge of the buildings and a desire to see the buildings redeveloped because of their immediate proximity to the Lapwai Elementary School. The City of Lapwai has legislative responsibilities independent of the Tribe to provide safe housing and a vibrant economy that is not degraded by derelict buildings and are committed to the project.

Land ownership on the Reservation became highly checker-boarded after the Daws Severalty Act of 1887, aka General Allotment Act, was passed. Title to real property was granted to the Tribe and individual Indians with the remainder of the Reservation sold by the Federal Government to non-Indian farmers. Currently, the Tribe only owns 15% of the Reservation. As a result, the seat of the Nez Perce Tribe is in Lapwai, but Lapwai was also incorporated in 1911 and has an elected Mayor and City Council which govern the city according the laws of Idaho, completely independently of the Tribe. Both the Tribe's property and the Individual Allotments are held in Trust by the BIA for the benefits of the owners. Both Trust land and fee-simple (i.e., private) property are included within the City Limits. However, jurisdiction is not clear, and city, county, and state governments are reluctant to interfere with Tribal property. To complicate matters, last will and testaments were not widely used by Tribal members, which results in both fee-simple (which may be owned by Indians or non-Indians) and trust properties held with multiple undivided-owners. It is believed that it will require City, Housing, and Tribal Governments to resolve the jurisdictional questions relating to the derelict houses within city limits.

The Lapwai Coalition is proposing to use these federal assessment funds to target assessment projects identified by each of the individual government entities. In addition, some of these sites with possible petroleum contamination were designated a high priority by Coalition partners to identify threats to drinking water and degradation of Lapwai Creek. Through several past meetings, members of the Lapwai Coalition, the Brownfield Tribal Response Program (TRP), Nez Perce Tribal Housing Authority, Nez Perce Economic & Community Planning, and community action committees have prioritized the three areas listed for assessment. These sites have been identified 1) by citizens during community visioning sessions, 2) through listing on the TRP Brownfield Inventory, and 3) by being considered to have the highest redevelopment

potential. The target sites are within the Lapwai community where there is a high concentration of blight and probable contamination, where sensitive populations (poverty, children, and elderly) live, and private sector investment is absent. In addition to their potential as economic development projects for the community, some of these areas hold historical and cultural significance to the tribal community and Lapwai community at large.

Once funding is received, the Coalition partners will work together and with the public to finalize sites and priorities. The TRP and Brownfield Assessment Team will provide project implementation and direct oversight. TRP will also provide Project Management and technical assistance for Brownfields and compliance with environmental laws and best management practices. The Lapwai School District will provide outreach and information to area families and the facilities and means of engaging the public and keeping the public informed of the process, progress and results of the brownfields assessment. The Housing Authority will assist with planning for reuse and redevelopment. The City of Lapwai will assist with sending out public information through the City's website, provide historical documentation on properties and utility infrastructure, and participate in monthly Coalition meetings.

**2.a.ii(c) Obtaining and securing site access:** Area 1 (the Fort Lapwai/BIA Grounds) has now reverted back to the Tribe since Lapwai School District quit-claimed its interest in the property in 2014. Properties in areas 2 and 3 are individually owned by Tribal and non-tribal members of the community. The City of Lapwai, Nez Perce Tribal Housing Authority and TRP staff will be utilized in contacting the owners and obtaining written permission for the coalition to conduct Phase I and II ESA. Property owners will be informed that EPA cleanup grants are also a possibility, but properties must first have Phase II ESA in order to qualify.

### **2.b.i Task Descriptions**

Five tasks including 1) Project Management, 2) Community Outreach, 3) Phase I Environmental Site Assessments (ESA), 4) Phase II ESAs, and 5) Cleanup Planning were developed to address both Petroleum (10 sites totaling \$79,997) and Hazardous Substances (16 sites totaling \$387,623) and are detailed in the following budget table. While there are moderate levels of uncertainty regarding the actual number of individual sites that will be assessed with grant funds, there is a high level of accuracy regarding the number of Brownfield sites on the TRP inventory list. Educated estimates of the number of professional hours and likely expenditures, and received bid estimates from contractors were used to develop the Budget Table. Approximately 61% of total funds are dedicated to Phase II ESAs. The following are notes explaining some of the task details and costs, but space limitation prevents an exhaustive explanation.

**Task 1 Project Management - Grant Request: \$34,540 (Petroleum \$17,270 and Hazardous Substances, \$17,270).** The project will be managed by TRP staff experienced in Brownfield Grants administration. This task involves completing all reporting requirements, overseeing the grant budget and the implementation, oversight and completion of the remaining tasks identified below. For each type of project, \$13,470 is required for personnel and \$3,800 in travel is included to attend the EPA National Brownfield Conference for Coalition partners and stakeholders to present the project results.

**Task 2 Community Outreach - Grant Request: \$26,063 (Petroleum \$2,606 and Hazardous Substances \$23,457).** Coalition partners, in conjunction with TRP staff (\$20,880), and community non-profits, will initiate and provide support for public involvement in the assessment and cleanup planning process and communicate project plans, milestones and updates

to the general public. Public meeting notices and updates on progress and results will be communicated to the public through inclusion in utility statements and take-home notices to parents from local schools. Partners will also utilize print/voice/on-line media to keep stakeholders and community members informed and involved throughout project duration. Supplies for this task are estimated at \$5,183.

**Task 3 Phase I Assessments – Grant Request: \$93,558 (Petroleum, \$15,140 and Hazardous Substances \$78,418).** Phase I ESAs will follow “all appropriate inquiry” as specified in the process of environmental due diligence per ASTM Standard E1527-13. It is assumed that ten buildings which have heating oil tanks will be assessed at an average cost of \$1,500 per Phase I ESA for petroleum.

The Phase I ESAs for Hazardous Substances are more complicated because a Section 106 report is required by National Historic Preservation Act (NHPA) for this project. Individuals and organizations with administrated interest in the project may participate in Section 106 review as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties. To develop a Section 106 report, a qualified archeological consultant will be contracted to perform an archeological assessment of Fort Lapwai and the cultural impacts significant to the Tribal community, and a third-party independent historian, certified pursuant to Section 101(d)(2) of the NHPA, will be contracted to review all known documents archived in multiple universities and government entities in Idaho, Oregon and Washington and report to Tribal Historic Preservation Officer (THPO). A public meeting will be held to review the report. The contracted amount for the Section 106 report is estimated at \$43,000 (\$20,000 for the archeological report and \$23,000 for the historian). With TRP staff and contractor time plus necessary supplies, the 16 anticipated Phase I ESAs for Hazardous Substances will be assessed at an average estimated cost of \$4,901 each.

**Task 4 Phase II ESAs – Grant Request: \$283,020 (Petroleum, \$33,736 and Hazardous Substances, \$249,284).** The TRP will conduct the ten Phase II ESAs for the heating oil tanks utilizing expertise developed from managing the Tribal LUST Assessment Program. It is anticipated that ten heating oil tanks will be assessed at an average cost of \$1,075 to remove and dispose of the tank and collect soil samples. It is also anticipated that one heating oil tank will have leaked and also require three groundwater monitoring wells and four quarters of ground water monitoring at a cost of \$23,000.

The Phase II Hazardous Substance ESAs will assess 16 sites with the bulk of the expenditures planed for the BIA Grounds. Estimated bids were solicited for asbestos, PCB, lead-based paint, and mold sampling for environmental contracting (\$82,280), structural engineering assessment to determine building integrity (\$95,000); and geophysical surveying to map the locations of the steam tunnels (\$13,000); and \$13,400 for an excavator, disposal of investigation derived waste and rental of an X-Ray Fluorescence Metal Analyzer to measure lead paint concentrations.

**Task 5 Cleanup Planning – Grant Request \$30,439 (Petroleum \$11,245 and Hazardous Substances \$19,194).** Development of Analysis of Brownfield Cleanup Alternatives (ABCA) will summarize the information about the selected sites and contamination (i.e., exposure pathways, identification of contaminant sources, types and levels of contamination, and risk evaluation/sensitive population protection); cleanup standards; applicable laws; an analysis of cleanup alternatives (and other assessment work, if needed); and the proposed cleanup plan

would be presented to the Tribal Council and community at a final meeting. Simultaneously with the petroleum and hazardous substances assessment activities, Coalition members will work in partnership with local and community organizations on public outreach and planning activities associated with the cleanup and redevelopment process. Cleanup planning will include: public notices and public participation in meetings between the Coalition, contractors, and regulatory agencies to plan and review cleanup alternatives. TRP staff is anticipated to cost \$9,939 for Phase II ESAs, and supplies are estimated at \$500. A \$20,000 total amount (\$10,000 for petroleum and \$10,000 for hazardous substances) is included for contracted services to provide an impartial and culturally sensitive professional moderator to lead community discussions involving the Tuberculosis Sanatorium and Indian School Buildings.

## 2.b.ii. Budget Table

Budget Categories	Project Tasks					
	Task 1: Project Management	Task 2: Community Outreach	Task 3: Assesments Phase I	Task 4: Assessments Phase II	Task 5: Cleanup Planning	TOTAL
	<b>Petroleum - 10 Sites</b>					
Personnel	9,623	1,627	9,850	6,083	727	27,910.00
Fringe	3,847	461	4,390	2,120	268	11,086.00
Travel	3,800		0			3,800.00
Supplies		518	900	2,523	250	4,191.00
Contractual		0	0	23,010	10,000	33,010.00
Subtotals	<b>\$17,270.00</b>	<b>\$2,606.00</b>	<b>\$15,140.00</b>	<b>\$33,736.00</b>	<b>\$11,245.00</b>	<b>79,997.00</b>
Percent of Total Budget						17%
	<b>Hazardous Substances - 16 Sites</b>					
Personnel	9,623	14,645	22,972	21,068	6,535	74,843.00
Fringe	3,847	4,147	10,246	7,216	2,409	27,865.00
Travel	3,800		0			3,800.00
Supplies		4,665	2,200	3,500	250	10,615.00
Contractual			43,000	217,500	10,000	270,500.00
Subtotals	<b>\$17,270.00</b>	<b>\$23,457.00</b>	<b>\$78,418.00</b>	<b>\$249,284.00</b>	<b>\$19,194.00</b>	<b>387,623.00</b>
Percent of Total Budget						83%
	<b>Totals</b>					
Grand Totals	<b>\$34,540.00</b>	<b>\$26,063.00</b>	<b>\$93,558.00</b>	<b>\$283,020.00</b>	<b>\$30,439.00</b>	<b>\$467,620.00</b>
Percent of Total Budget	7.4%	5.6%	20.0%	60.5%	6.5%	100.00%

**2.c. Ability to Leverage:** The Lapwai Coalition has identified three areas where Assessment Grant funds can be leveraged as described below.

Indirect Costs: Because grant requirements do not allow the payment of administrative costs, including indirect costs, the TRP sought and received approval from Tribal Council (Resolution NP 17-063) waving the collection of Indirect Costs. As negotiated with the U.S. Department of the Interior, Interior Business Center, the Indirect Cost rate for the Nez Perce Tribe for Fiscal 2017 is 26.75% for project expenses, exclusive of contractual and equipment line items. This represents \$43,899 and is a significant amount of money being contributed by the Tribe, and the

waiver was not given lightly. However, the Tribe sees the value in the proposed work and accepted EPA's conditions.

**Housing Assistance:** The Nez Perce Tribal Housing Authority (NPTHA) is primarily funded with U.S. Department of Housing and Urban Development's (HUD) Indian Housing Block Grant (IHBG). Annually, NPTHA submits an Indian Housing Plan which includes a budget for its programs. NPTHA has a specific line item to leverage scarce IHBG funds with other funds to develop housing. NPTHA also has some financial assistance grants for down payment and closing costs for individuals to obtain homeownership. As described in the NPTHA commitment letter, NPTHA will promote revitalization of the dilapidated residential sites by assisting in clarifying ownership, negotiating a reasonable purchase price, and promoting individual purchase, thereby assisting in the replacement or rehabilitation of the derelict structures. NPTHA would also refer eligible families to financial assistance programs that may be able to help with down payment or rehabilitation activities.

**LUST Funds:** It is anticipated that the EPA Region 10 LUST Program may recommend to the Office of Underground Storage Tanks funding the assessment of possible petroleum contamination from the abandoned Thunderbird IV gas station on Main Street utilizing EPA LUST/Trust funds at an estimated cost of \$135,000. The assessment will likely require the removal of the tanks and piping so that underlying soil can be sampled. Because the facility had defective flexible piping, subsequently recalled by the manufacturer, it is likely that contaminated soil will need disposal and groundwater monitoring wells will be required.

### **3.a.i. Community Involvement Plan:**

The same community involvement process with charrettes as used to develop the revitalization plans in the previously mentioned collaboration with the University of Idaho Architecture Program will be used by the Lapwai Coalition for the brownfield assessment process. The Lapwai Coalition members will meet monthly and will report back to his or her respective governing boards each month to share information. Stakeholders, including regional partners, will receive copies of updated information and reports. The Tribe's Water Resources website will provide information on each site assessment as they are completed, as well as upcoming assessment sites and progress accomplished to date. The public will be kept informed each quarter via print, voice and on line media. Four community charrettes will be held, one every six months over the first two years, to receive information firsthand, solicit potential additional sites for assessment, and help determine priorities for re-use or redevelopment.

**3.a.ii. Communicating Progress:** The Tribe has a rather unique and effective set of methods it uses to keep Tribal members and the public informed. The public will be kept informed quarterly via print, voice and on line media. Four community charrettes will be held, one every six months over the first two years of the project, to receive information firsthand, solicit potential additional sites for assessment, and help determine priorities for re-use or redevelopment. Project progress will be reported quarterly through the Nez Perce tribal newspaper, regional newspapers, and Tribe-owned KIYE radio station with additional meetings and or press releases on an as needed basis. In-person updates will be made by team members to committees and boards on which they serve, and informally as appropriate at tribal and community events, elders' circles, senior meal sites, and other places where the public gathers. Social media platforms will be used for meeting notices, and posters will also be printed and placed throughout relevant areas to further inform

the public about quarterly community meetings. The final report will be posted on the Tribe's Water Resources website.

**3.b.i. Local/State/Tribal Environmental Authority:** Eric Traynor, Idaho Brownfield Program Manager, State of Idaho, Department of Environmental Quality (IDEQ) has provided a letter indicating that the IDEQ Coeur d'Alene Office has been informed and is supportive of the Coalition's intent to submit an application. The TRP is authorized by Tribal Resolution NP 17-063 as co-leaders with the Economic Community Development Office to lead the "Lapwai Coalition to Stop Blight" and designates the TRP as Project Managers for the Lapwai Coalition Community Wide Brownfields Assessment Grant.

**3.b.ii Other Governmental Partnerships:** Other governmental stakeholders interested in playing a supportive role in the implementation of this EPA coalition assessment grant include the National Park Service (NHPS) and the Clearwater Economic Development Association (CEDA). NHPS will provide technical assistance as needed and historical information regarding cultural resources for the Fort Lapwai/ BIA Compound. NHPS may also be interested in curating some of these historic buildings and providing signage to share with NHPS visitors. CEDA will provide regional support and assistance as needed.

**3.c.i. Community Organization Description and Role:** Nimiipuu Health will provide further public health data, community outreach, and support for remediation. The Lapwai Community Action Team (L-CAT) will be deeply engaged throughout the assessment process, assisting with identification of assessment sites, broad-based community support, and overall success. The Lapwai Community Coalition to Stop Blight was authorized by Tribal Resolution NP 15-410, and along with the Water Resources Program and Economic and Community Development Office, designated to form the community coalition in August 2015.

**3.c.ii. Letters of Commitment:** Letters of Commitment have been received from the other Lapwai Coalition members (Lapwai School District, Nez Perce Housing Authority, and City of Lapwai) and are attached. Letters in support of this grant application have been received from nonprofit and community partners that include the Clearwater Economic Development Association, Nimiipuu Health, United States Department of the Interior Bureau of Indian Affairs, Northern Idaho Agency, Nez Perce National Historic Park and the Lapwai Community Action Team.

**3.d. Partnerships with Workforce Development Programs:** Nez Perce Tribal Employment Rights Office and Idaho Department of Labor will be leveraged, if necessary, to identify individuals to send to the Lewis Clark State College, Work Force Development Program to train under qualified instruction in identification, sampling, stabilization or removal of asbestos, lead paint, mold and PCB. In addition the TRP will leverage grant funds to send individuals to the required 40-hour HAZWOPER class.

**4.a. Welfare, Environmental, and Public Health Benefits:** Assessment and cleanup of the target area brownfields would alleviate environmental and public health and welfare issues and provide numerous environmental, social and public benefits to the Lapwai community through the proposed activities of this request. There are multiple unsafe and hazardous conditions throughout the community which will be eliminated. The EPA Brownfield program is the main source of funding available to the Coalition, and therefore it is the Coalition's plan to maximize these funds to bring the most benefit to the low-income, elderly and children living in poverty and blight throughout our community. It is our goal to provide the children safe places to walk

and play, water that is safe to drink, and homes to live in that are not contaminated with hazardous materials. We want to create jobs and business opportunities for their parents so that they can provide for their families.

Brownfield assessment funding will allow for the assessment of properties that have environmental contamination that prohibits them from being redeveloped and fully utilized.

**4.b. Economic and Community Benefits:** The Brownfield Assessment grant funding will enable the Lapwai community to take the first step in moving forward with economic growth in the community as the probability of site contamination is preventing development in the areas. The Tribe's current progressive leadership, a slowly improving economy, a more highly educated workforce, shifting demographics, and deepened respect for culture and tradition now provide a timely, necessary framework on which a comprehensive, redevelopment planning effort can build. Tribal Council has called for initiatives for self-sufficiency, empowerment, energy efficiency, and personal and community development. Brownfield assessments conducted within the Lapwai community will reinforce public awareness that community is ripe for revitalization, resulting in a strengthened sense of place. Assessment of the old BIA buildings will help determine potential re-use or redevelopment. Identified tribal needs presented to Tribal Council include a new government administration building, an education building, a justice center, and an assisted living center for senior citizens. The assessment will help clarify whether to renovate or raze, re-use or redevelop, and will advocate for next steps, therefore eliminating current barriers for any of these purposes.

**5.a. Audit Findings:** The Nez Perce Tribe has been identified by the outside auditor as a low risk auditee and has not had any adverse findings regarding administration of finances or of any grant.

**5.b. Programmatic Capability:** Coalition partners who will play a key role in the implementation of this EPA coalition assessment grant include the Nez Perce Tribe Brownfields TRP, the Lapwai School District, the Nez Perce Tribe Housing Authority, and the City of Lapwai. As mentioned above, other partners expressing support for this brownfield assessment coalition include the National Park Service, the regional Clearwater Economic Development Association, the Tribe's Nimiipuu Health center, and several nonprofit partners. The all-volunteer Lapwai Community Action Team (L-CAT), comprised of community, business, and Tribal members is also in support of this proposal.

The Coalition will manage the brownfield assessment grant through the Nez Perce Tribe utilizing the Brownfield Tribal Response Program. The Tribe is capable of utilizing federal funding as intended to meet project goals and objectives, and within budget and time-frame. The Tribe has administered all prior federal grants successfully, adhering carefully to evaluative and reporting requirements as well as conducting internal and external audits to document such capability. The Tribal Council oversees all tribal affairs and works closely with all departments. The Tribe's Finance Department includes a grants management team that works closely with the Office of Legal Counsel, Executive Director, tribal planners, and several other supporting programs. Each grant that is submitted is reviewed by the Tribe's Office of Legal Counsel to assure the Tribe's best interests, specifically: a) the adequacy of the Tribe's accounting system for the collection, identification and allocation of costs under federal grants and contracts has never received a written question or opinion by any government agency; b) the Finance Department uses an automated accounting system; c) the accounting system identifies the receipt and disbursement

of program funds separately for each contract/grant; d) the accounting system provides for the recording expenditures for each grant/contract by individual project components and cost categories shown in the approved project budget; e) the accounting system provides for the segregation of direct and indirect expenses; and f) the Nez Perce Tribe Finance Department and other departments are familiar with existing regulations and guidelines pertaining to cost principles and procedures for the determination and allowance of costs in connection with federal grants and contracts.

**Project Staff:** Kevin Brackney is employed by the Nez Perce Tribe, Water Resources Division, and manages the Groundwater Program, which includes the Brownfields Tribal Response Program. Kevin will serve as Brownfield Coalition Assessment Grant Manager. He has an MS in Hydrology and a BS in Geology, is an Idaho Registered Professional Geologist (Certificate No. 817) and a Certified Ground Water Professional by the Association of Ground Water Scientists and Engineers (Certificate No. 120675), with considerable research and experience in the remediation of organic chemicals in groundwater. He is a Recognized Environmental Professional as defined under 40CFR312.10.

Judy Goodson, GIS specialist with Water Resources, has a B.A.S. in engineering technology and will provide GIS services, county records research for ownership history, and technical assistance to support contractors in Phase I and II assessments.

Ann McCormack, Nez Perce Tribe Economic Development Manager, will provide additional project oversight. In addition to the Nez Perce Energy Committee and Lapwai Community Action Team Ann serves on the Northwest Indian College Cooperative Extension Advisory Board. The brownfields assessment project will open opportunities for site readiness, leading directly to job creation. McCormack will contribute 0.02 FTE (4 hours per month) over the life of the project.

### **5.c. Measuring Environmental Results: Anticipated Outputs/Outcomes:**

The Coalition will develop a detailed Work Plan with a basis for tracking and measuring progress on project outputs (such as the number of public meetings held and number of sites assessed) and outcomes (such as improving residential and downtown blighted areas, lowering cases of asthma, other illnesses and cancer). Project milestones and deliverables will be developed that allow all parties involved to communicate in terms that can be understood by all. The Work Plan will outline the basic task requirements and a schedule of deliverables designed around the tasks and the milestones. A list of the basic tasks, outputs, and outcomes can be found in the table below. The Coalition will meet regularly with contractors to review project progress to keep the project on schedule and within budget. The Coalition will report this information in quarterly reports using EPA forms and ACRES reporting system.

Task	Output	Outcome
1 - Project Management	Project management and reporting outputs.	Completion of Brownfield Assessments at targeted Lapwai Community sites
2 – Community Outreach	Partners will also utilize print/voice/on-line media to keep stakeholders and community members informed and involved throughout project duration.	An informed Lapwai community actively involved in the assessment and cleanup planning process



3 – Phase I ESA	Phase I ESAs will be conducted by the TRP staff with technical experience in the process of environmental due diligence per ASTM Standard E1527-13.	Report on Phase I ESAs and results from monitoring wells if they are installed, providing necessary results to proceed with Phase II ESA and cleanup planning.
4 – Phase II ESA	Phase II ESA for Hazardous Materials may need to be conducted by an environmental contractor specializing asbestos, lead-based paint, PCB, mold, and radon assessments.	Report on Phase II ESAs. Results/reports from contractor regarding hazardous materials, structural integrity of site, waste stream/volume characterization, and geophysical survey.
5 – Cleanup Planning	Report on Phase I ESAs and Phase II ESAs. Results/reports from contractor regarding hazardous materials, structural integrity of site, waste stream/volume characterization, and geophysical survey.	Development of Analysis of Brownfield Cleanup Alternatives (ABCA) which will summarize the information about the selected sites and contamination; cleanup standards; applicable laws; an analysis of cleanup alternatives; and the proposed cleanup plan.

#### **5.d.i. Currently or Has Ever Received an EPA Brownfields Grant**

1) Accomplishments: The Nez Perce Tribe's Water Resources Division (WRD) has received funding through CERCLA 128(a) Tribal Response Program (TRP) for 11 years and is currently working under agreement RP# 96046311. Major accomplishments during the grant's performance are 14 Phase I ESAs; five Phase II ESA, RCRA and UIC Inspections; a brownfields inventory; and developed an active Hazardous Environmental Response Team to respond to chemical and petroleum spills on the Reservation. As of December 14, 2016, a total of \$421,143 remains in the two-year award, which terminates September 30, 2018

WRD also received Brownfield Assessment Grant RP #00J95701, a \$195,000 award for Tribal Unit 45 (ACREs #157983). As of December 14, 2016, a balance of \$108,514 remains in the account. Notable accomplishments include successful completion of Phase I ESA, EPA approvals of the Project Work Plan and site specific QAPP/ Sampling Analysis Plan, as well as substantial progress with the Phase II ESA including drilling and sampling 13 groundwater monitoring wells, and geophysical investigation and removal of an UST. These accomplishments and other successes can be found in ACRES and are further detailed on the public record page at [www.nptwaterresources.org](http://www.nptwaterresources.org).

2) Compliance with grant requirements: The Nez Perce Tribe's Water Resources Division has complied with the accepted work plans and terms and conditions of TRP grants for eleven years and has expended most budgeted funding. Further, the TRP has a demonstrated ability to successfully manage federal or non-federal grants and the performance of all phases of work under each grant. The TRP also has a demonstrated history of timely and acceptable quarterly performance and grant deliverables, as well as, ongoing ACRES reporting.

### Appendix 3 - Regional Priorities Form/Other Factors Checklist

Name of Applicant: Nez Perce Tribe

#### Regional Priorities Other Factor

If your proposed Brownfields Assessment project will advance the regional priority(ies) identified in Section I.F., please indicate the regional priority(ies) and the page number(s) for where the information can be found within your 15-page narrative. Only address the priority(ies) for the region in which your project is located. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal, it will not be considered during the selection process.

Regional Priority Title(s):

Protect and Enhance Water

Page Number(s): 2;3;4;5;7;9;12

#### Assessment Other Factors Checklist

Please identify (with an **X**) which, if any, of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
<i>None of the Other Factors are applicable.</i>	
Community population is 10,000 or less.	1
Applicant is, or will assist, a federally recognized Indian tribe or United States territory.	1
Target brownfield sites are impacted by mine-scarred land.	
Project is primarily focusing on Phase II assessments.	9 & 10
Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation.	10 & 11
Recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	4 & 5
Applicant is one of the 24 recipients, or a core partner/implementation strategy party, of a "manufacturing community" designation provided by the Economic	

Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, <b>applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation</b> which demonstrate either designation as one of the 24 recipients, or relevant pages from a recipient's IMCP proposal which lists/describes the core partners and implementation strategy parties.	
Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, <b>applicant must attach documentation.</b>	
Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.	



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 N. Hilton • Boise, ID 83706 • (208) 373-0502  
[www.deq.idaho.gov](http://www.deq.idaho.gov)

C. L. "Butch" Otter, Governor  
John H. Tippetts, Director

December 7, 2016

Mary Jane Miles, Chairman  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, ID 83540

Dear Ms. Miles:

This letter acknowledges that the Nez Perce Tribe notified the Idaho Department of Environmental Quality (IDEQ)—the designated State Environmental Authority—that the Nez Perce Tribe has formed a Brownfields coalition made up of the Lapwai School District #341, the Nez Perce Tribal Housing Authority, the City of Lapwai and the Nez Perce Tribe. The coalition will submit to the United States Environmental Protection Agency (EPA), a \$600,000 Community Wide Brownfields Assessment Grant Application for the Lapwai, Idaho community. The notifications to IDEQ satisfy the notification criterion of the EPA Proposal Guidelines for Brownfields Assessment Grants.

The application is focusing on three areas of blight within the community that Nez Perce Tribe would like to revitalize, the Fort Lapwai Tuberculosis Sanatorium/BIA North Idaho Agency, the Downtown Lapwai Core, and a residential neighborhood. Three circa 1920 buildings in the Fort Lapwai Complex are eligible for listing on the National Historic Register. In the Downtown Lapwai Core there is a former service station that has been shuttered since 2008 due to bankruptcy. There are also 3 commercial buildings on Main Street that the Nez Perce Tribe would like to revitalize. There are up to 20 residential lots with condemnable structures that have become an attractive nuisance that the Nez Perce Tribe would like to address.

IDEQ strongly supports the Nez Perce Tribe in their Community Wide Brownfields Assessment Grant and believes the stated goals of the grant meet the mission for Brownfields assessment and redevelopment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric Traynor", is written over a horizontal line.

Eric Traynor  
Brownfields Response Program Manager  
Idaho Department of Environmental Quality  
Phone: (208) 373-0565  
Email: [eric.traynor@deq.idaho.gov](mailto:eric.traynor@deq.idaho.gov)



**United States Department of the Interior**

**Bureau of Indian Affairs**

**Northern Idaho Agency**

P.O. Box 277

Lapwai, Idaho 83540-0277

In Reply Refer To:  
Executive Direction

NOV 16 2016

The Honorable Mary Jane Miles, Chairman  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, ID 83540

Dear Chairman Miles:

The Nez Perce Tribe Tribal Response Program is applying for a Brownfield Assessment Grant targeting the Lapwai community. The Bureau of Indian Affairs, Northern Idaho Agency supports the efforts of the Tribe to obtain grant funds to assess community blight in terms of vacant or abandoned structures, and the potential presence of hazardous substances.

We recognize the importance of our collaboration in our collective efforts to work toward protecting the trust assets of the Nez Perce Tribe and their lands. The Northern Idaho Agency supports the efforts of the Tribe to obtain the grant funds to assist our community.

Please feel free to contact me at (208) 843-9416 if you have any additional questions.

Sincerely,

*Cheryl D. Schrock*

Cheryl D. Schrock  
Acting Superintendent

cc: Kevin Brackney, M.S., P.G.  
Brownsfields Tribal Response Program Leader



## United States Department of the Interior

NATIONAL PARK SERVICE  
NEZ PERCE NATIONAL HISTORICAL PARK  
P.O. BOX 1000  
LAPWAI ID 83540

IN REPLY REFER TO:  
L1417

1 November 2016

Mary Jane Miles, Chairman  
Nez Perce Tribal Executive Committee  
P.O. Box 305  
Lapwai, Idaho 83540

Dear Chairman Miles:

On behalf of Nez Perce National Historical Park I am pleased to support the Nez Perce Tribe's application to the Environmental Protection Agency for a Brownfield Assessment Grant targeting the community of Lapwai.

Submitted by the Water Resources Division Tribal Response Program (TRP), the grant would be used to inventory community brownfields, assess and prioritize sites, conduct community involvement activities, and plan cleanup of brownfield sites in Lapwai.

A unit of the National Park Service, Nez Perce National Historical Park was authorized in 1965 to facilitate protection and provide interpretation of sites in the Nez Perce Country that have exceptional value in commemorating the history of the Nation.

Two component park sites are located in Lapwai, and our staff is involved in the Lapwai Community Action Team, which seeks to improve the vitality and quality of life for Lapwai and its residents. The park endorses this grant application by Nez Perce Tribe.

Sincerely,

Tami DeGrosky  
Superintendent

cc: Kevin Brackney, M.S., P.G.

# Nimiipuu Health

---



PO DRAWER 367 LAPWAI, ID 83540

November 1, 2016

Mary Jane Miles, Chairman  
Nez Perce Tribe  
PO Box 305  
Lapwai, ID 83540

Dear Mary Jane Miles,

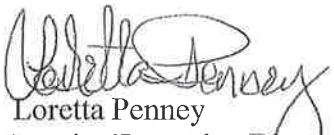
This letter is written in support of the Brownfield Assessment Grant targeting the Lapwai Community, to be submitted by the Nez Perce Tribe, Tribal Response Program (TRP).

I fully support the initial community assessment to be completed on vacant or abandoned structures that may have the presence of potential hazardous substances and pollutants such as petroleum, PCBs, asbestos, mold, lead and radon gas. The analysis of these findings is a great start in cleaning up our community environment.

This is a worthwhile project that will benefit the community as a whole. Not only will this improve the overall appearance of the community, but the health of the community and potential economic development.

What a wonderful idea and use of grant monies. You may contact me for further information or support.

Sincerely,

  
Loretta Penney  
Interim Executive Director

cc: Kevin Brackney  
File



November 17, 2016

Mary Jane Miles  
Chairman  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, ID 83540

Re: Support letter for Brownfield Assessment Grant Application

Dear Chairman Miles:

Clearwater Economic Development Association's Board of Directors supports the Nez Perce Tribe's Brownfield Assessment Grant application for assistance to the Lapwai community. This decision was reviewed and voted on at the November 17, 2016 CEDA Board of Directors meeting.

This project supports the Clearwater Economic Development District's *Comprehensive Economic Development Strategy's* objective to "increase community vitality to enhance our communities' unique, characteristics, strengths, and assets to improve economic competitiveness.

It is our understanding that the project that you hope to fund will inventory and prioritize community brownfields sites that will lead to site assessments and cleanup. All of this will be done with public outreach and community involvement.

We recognize the city's need for this assessment and fully support your application.

Sincerely,

Christine Frei, Executive Director

Cc: CEDA Board of Directors



Lapwai Community Action Team

315 S Main Street

Lapwai, Idaho 83540

208.621.3710

Ms. Susan Morales  
EPA Region 10  
1200 Sixth Avenue, Suite 900  
Mailstop: ECL-112

December 3, 2016

Request: Letter of support for the Brownfield Coalition Assessment application for the town of Lapwai, Idaho on the Nez Perce reservation.

Dear Ms. Morales,

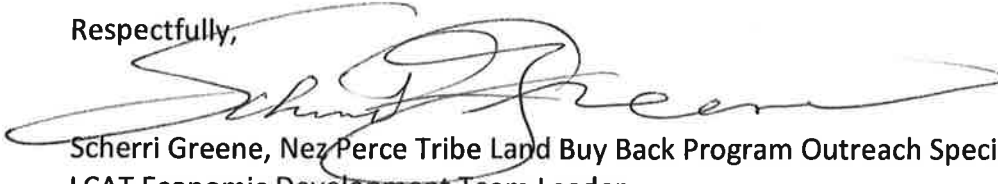
It is my understanding that the Nez Perce tribe is applying for a Brownfields Coalition grant from the Environmental Protection Agency to assess the environmental and cultural components of the Parade Grounds, downtown commercial site(s) and 20 or more blighted residences within the city limits of Lapwai, Idaho and make recommendations to what is needed to mitigate any potential hazardous substances. The Parade Grounds structures have been in existence for over one hundred years and served many purposes. Land mass wise, it is a major portion of the town. A Brownfield assessment is a good first step to improving the site and looking at better ways to repurpose the area going forward. The LCAT has an economic development team that is making plans on how to revitalize the downtown area of Lapwai. By restoring or building on the most blighted sites downtown would be a game changer for the community in its revitalization efforts. There is a real housing shortage in Lapwai. There are many more people who want to live in Lapwai than are homes. If the twenty or so blighted homes were removed so new homes could go up in their place this would ease the shortage of housing stock we are currently experiencing.

The Lapwai Community Action Team (LCAT) has a sub-team that works on land, government, sustainability and civic responsibility. There are members representing the Tribe, the City and most of all the community serving on the LCAT teams. It is the LCAT's vision that the Parade Grounds become part of the master plan to build on the assets of Lapwai, the Headquarters of the Nez Perce tribe and revitalize the site to make room to grow the town to include diverse economic enterprises, many of which will reflect the Nimiipuu traditions. LCAT wants to embrace the future through sustainable development practices.

The Lapwai Community Action Team strongly supports the Tribe's application for Brownfields Coalition Assessment grant. Thank you for any consideration you provide toward this application.

If you have any questions please contact me at your earliest convenience through Ann McCormack, Economic Development Planner, 208.621.3710.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scherri Greene', with a large, sweeping flourish extending to the right.

Scherri Greene, Nez Perce Tribe Land Buy Back Program Outreach Specialist  
LCAT Economic Development Team Leader



## The N.A.M.E. Outreach

P.O. Box 56 \* Lapwai, ID 83540 \* 208.790.5157

To Whom It May Concern,

RE: Nez Perce Tribe Brownfield Assessment Grant Coalition

As Pastor of the Native American Missionary Evangelistic (N.A.M.E.) Outreach in Lapwai, ID, I am pleased to submit a letter of support for the Nez Perce Tribe's Brownfield Assessment Coalition. Our organization is well aware of the needs and complications in our community and do appreciate efforts such as this.

We look forward to continuing our support and possible participation with this coalition and working towards a healthier, safer and beautified Community. You may contact me at 208.790.75157 or at [nameoutreach@gmail.com](mailto:nameoutreach@gmail.com) with any further questions.

Antonio Smith

Pastor, N.A.M.E. Outreach



## LAPWAI SCHOOL DISTRICT #341

404 S. Main  
Lapwai, Idaho 83540  
(208) 843-2622

Friday, November 18, 2016

Mary Jane Miles  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, ID 83540

Cc: Kevin Brackney, M.S., P.G.  
Brownfields Tribal Response Program Leader  
Nez Perce Tribe, Water Resources Division  
P.O. Box 365  
Lapwai, ID 83540

Re: Nez Perce Tribe Brownfield Assessment Coalition

It is with great confidence I offer the Lapwai School District as an active coalition partner in the Brownfields Assessment Grant opportunity. We support the assessment of blight in terms of vacant or abandoned structures, and the potential presence of hazardous substances such as petroleum, PCBs, asbestos, mold, lead and radon gas. The Lapwai School District would like to offer their full support as a partner during phases of grant implementation to improve the community.

As an active coalition member, the Lapwai School District will offer the following assistance and resources:

- A. Provide meeting space for coalition and public meetings.
- B. The superintendent agrees to attend monthly coalition meetings.
- C. Assist with advertisement of opportunities for public input.
- D. Share district historical documents including journals, blueprints, maps and designs.
- E. The University of Idaho is digitizing district historical documents. The district agrees to provide the coalition and Nez Perce Tribe with digital copies to assist with research and implementation.

The Lapwai School District has an existing and successful partnership with the Nez Perce Tribe and the Water Resources Division. We are looking forward to fully supporting assessment and implementation to benefit the greater Lapwai community. Please do not hesitate to contact me if I may provide additional information.

Most Sincerely,

Dr. David M. Aiken  
Superintendent, Federal Programs Director  
Lapwai School District # 341  
208-843-2622 ext. 202  
daiken@lapwai.org

*Together, we ensure all students will reach their full potential.*



# NEZ PERCE TRIBAL HOUSING AUTHORITY

P.O. BOX 188 • LAPWAI, IDAHO 83540 • (208) 843-2229

105 RIVERVIEW AVENUE • KAMIAH, ID 83536 • (208) 935-2144

December 16, 2016

Kevin Brackney, M.S., P.G.  
Nez Perce Tribe, Water Resources Division  
P. O. Box 365  
Lapwai, ID 83540

RE: Nez Perce Tribe Brownfields Coalition

The Nez Perce Tribal Housing Authority (NPTHA) is pleased to provide our commitment to be a partner in the Nez Perce Tribe's Brownfields Coalition. As you may be aware, the Nez Perce Tribe established the NPTHA as a separate entity under a Housing Ordinance adopted by resolution NP 63-121. This ordinance further provides for a Board of Commissioners to manage the affairs of the NPTHA. At their regular meeting on December 15, 2016, our NPTHA Board of Commissioners took action to authorize our commitment to participate in the Brownfields Coalition. We are very supportive in the proposed activities of this coalition.

Part of the NPTHA's mission is to provide safe, sanitary and affordable housing. The NPTHA has several residential housing projects within the Lapwai valley that are affected by the dilapidated and hazardous public and residential properties targeted in the brownfields assessment grant. We feel we have a vested interest and can offer meaningful participation in the assessments of these locations. In addition, we have a great interest and would like to pursue the revitalization of the hazardous residential properties throughout the Lapwai area.

As an active coalition partner, we would specifically commit the following:

- Appoint a representative to participate in the monthly coalition meetings;
- Assist in the outreach for public participation;
- Disseminate public information in our newsletters or other communications;
- Promote private revitalization efforts with referrals to available financial assistance;
- Provide coalition or public meeting space;

We look forward to participating and making a contribution towards the successful activities of the coalition. If you have any questions or concerns regarding our commitment, please give me a call at 208-843-2229 or email [lauriec@nezperce.org](mailto:lauriec@nezperce.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Laurie Ann Cloud". The signature is fluid and cursive, with the first name "Laurie" being more prominent.

Laurie Ann Cloud  
Executive Director

cc: file/chrono





December 22, 2016

Kevin Brackney, M.S., P.G.  
Nez Perce Tribe, Water Resources Division  
PO Box 365  
Lapwai, ID 83540

RE: Nez Perce Tribe Brownfield Assessment Grant Coalition

The City of Lapwai would be pleased to provide our commitment to be a partner in the Nez Perce Tribe's Brownfield Assessment Coalition. At a special meeting on December 22, 2016, the Lapwai City Council met, authorizing the below involvement as a coalition member.

As an active Coalition member, the City would specifically commit the following:

- Provide a public meeting place at City Hall
- Assist in sending out public information through our website and social media
- Promote Outreach for public participation
- Provide historical documentation on property and Utility Infrastructure
- Appoint a representative to participate in monthly Coalition meetings

We look forward to participating in this coalition and working towards a healthier, safer and beautified Community. If you have any questions or concerns regarding our commitment, you can reach me at 208.843.2212 x3 or at [MayorMcConville@cityoflapwai.com](mailto:MayorMcConville@cityoflapwai.com).

  
Iona Ruth McConville

Mayor, City of Lapwai

**EPA R10 BROWNFIELDS GRANT**  
**SITE ELIGIBILITY DETERMINATION OUTLINE**  
(R10 Site Eligibility Outline.rev2-09)

1. Grantee Name & Cooperative Agreement #  
Nez Perce Tribe & RP 96046305-0

2. Date of this document: 05/20/11 Date of proposed assessment: 06/15/11

**A. BASIC SITE INFORMATION**

3. Property Name: Fort Lapwai (ECDP and Lapwai School District)

4. Property Address: C St. and Bus Barn Lane, Lapwai, ID 83540  
& Legal Description if known, Township: 35 N; Range: 4 W; and Section: 11

5. Work to be done: Phase I Assessment ☒ Phase II ☐ Other Assessment (explain) ☐  
Details: \_\_\_\_\_

6. Who is the current owner of the property? Nez Perce Tribe, School District owns the  
School District Building but not the land

7. Describe your relationship with the owner and their role in the work to be performed:  
The Nez Perce Tribe is funded through a Tribal Response Grant and is  
responsible for approving site cleanup plans and verifying cleanups are  
complete. Planned work includes investigation of mold, asbestos, etc.

8. Known or Suspected Contaminant(s) (check one):  
☒ Hazardous Substances ☐ Haz. Substances Commingled with Petroleum ☐ Petroleum Only

9. Describe the type of activities that have been conducted on the property and indicate generally when such activities took place. Identify when and how the site became/may have been contaminated; with what substance(s); the part(s) of the site that are contaminated; and, describe previous known uses. If the land has been vacant for many years or contamination is only suspected, document why you think it needs assessment: Please see attached memo titled "Property Specific Funding Determination for Ft. Lapwai in Lapwai, ID"

**B. SITES NOT ELIGIBLE FOR FUNDING BY STATUTE**

Please answer the following questions to the best of your knowledge:

1. Is this property listed on the NPL or identified as part of a larger Superfund site under a different name because it is located within the boundaries? ☐ YES ☒ NO

2. Is the facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA?  
☐ YES ☒ NO

This document is used by US EPA Region 10 staff to evaluate eligibility of sites per the ARC guidelines.  
R10 Site Eligibility Craigmont Trap Range 052011.docx



3. Is the facility subject to the jurisdiction, custody, or control of the US Government. (Land held in trust by the US government for an Indian tribe is eligible.) ☐ YES ☒ NO

*Note: If you answered YES to any of the above (B.1-3) the property is not eligible.*

**C. SITES ONLY ELIGIBLE FOR FUNDING WITH A PROPERTY SPECIFIC DETERMINATION BY EPA:**

Certain properties can only be approved with a "Property Specific Determination" by EPA. Please answer the following questions to the best of your knowledge:

Is the site/facility subject to a planned or **ongoing** CERCLA removal action?  
☐ YES ☒ NO

Has the site/facility been subject to an order or consent decree, or issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SWDA)? ☐ YES ☒ NO

Is the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?  
☐ YES ☒ NO

Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA and is subject to closure requirements specified in a closure plan or permit? ☐ YES ☒ NO

Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA? ☐ YES ☒ NO

Has the site/facility received funding for remediation from the leaking Underground Storage Tank (LUST) Trust Fund? ☐ YES ☒ NO

*Note: If you answered YES to any of the above (C. 1-6), please complete this outline including the information requested in Appendix A and provide the outline to EPA for review/approval.*

**D. IS ANY OF THE WORK BEING PERFORMED IN ORDER TO COMPLY WITH ANY FEDERAL ENVIRONMENTAL REQUIREMENTS?** ☐ YES ☒ NO

*If yes, site/work is ineligible for funding per statute; call EPA project officer or ORC to discuss.*

**E. HAZARDOUS SUBSTANCE/COMMINGLED CONTAMINATION SITES** (for Petroleum only sites, skip to F.)

1. Owner: Does the grantee own the site? ☒ YES ☐ NO

If the grantee owns the property being assessed/cleaned up, indicate which of the following bases for determining that the grantee is not potentially liable as an owner under Section 107(a) of CERCLA applies, and briefly describe the circumstances.

☒ The owner is a recognized tribal government entity and is not a "person" under the definition of CERCLA.

☐ The owner acquired the property "involuntarily", such as by foreclosure or eminent domain or bequest.

☐ The contamination migrated from an adjacent property such that the owner qualifies for and has satisfied the contiguous property owner exception to liability, including all appropriate inquiry, reasonable steps, notice and access/institutional controls cooperation.

☐ The owner satisfies the elements of the Bona Fide Prospective Purchaser exception to liability, including all appropriate inquiry, reasonable steps, notice and access/institutional controls cooperation.

☐ Other? \_\_\_\_\_

Explain the circumstances The Nez Perce Tribe is a federally recognized tribal government. The Tribe asserts its sovereignty under the Treaty of 1855.

*Owners of property with known or suspected hazardous or commingled contamination may only work on sites for which they can assert one of the defenses to CERCLA liability above.*

*Grantees may assess sites which they do not own where there is substantial public benefit or other compelling reason to use public funds for the assessment, even if the owner is a potentially responsible party. In such cases EPA recommends documenting the rationale for doing so.*

2. Operator: Did the grantee conduct, direct or allow others to conduct any activities that caused or contributed to the property contamination? ☐ YES ☒ NO

3. Generator or transporter: Did the grantee generate or transport any waste brought to the site? ☐ YES ☒ NO (*Operators, generators and transporters cannot use EPA funds to work on known or suspected hazardous or commingled contamination sites*)

## **F. PETROLEUM ONLY CONTAMINATION SITES**

State Determination Attached? ☐ YES ☐ NO

*All petroleum sites need a written determination of eligibility by the State Environmental Agency or EPA based on the answers to Section F and the rest of the questions in this outline (except section E.). Please answer these questions AND attach such a determination if one has been*

This document is used by US EPA Region 10 staff to evaluate eligibility of sites per the ARC guidelines.  
R10 Site Eligibility Craigmont Trap Range 052011.docx

made, or if not, discuss with EPA. The determination must address 4 statutory criteria

1) “Relatively Low Risk”

*The State or EPA will have to determine that this site is of “Relatively Low Risk” compared to other petroleum-only sites in the State. Two key questions for this determination follow:*

a) Have Leaking Underground Storage Tank funds been expended at this site?

☐ YES ☐ NO ☐ Don’t KNOW

b) Have Federal Oil Pollution Act response funds been expended at this site?

☐ YES ☐ NO ☐ Don’t KNOW

2) “A Site for Which there is No Viable Responsible Party”

a) Was the site last acquired through tax foreclosure, abandonment or equivalent government proceedings? ☐ YES ☐ NO

b) Has a responsible party been identified through:

i) a judgment rendered in a court of law or an administrative order that would require any party to assess, investigate, or cleanup the site; ☐ YES ☐ NO or

ii) a filed enforcement action brought by federal or state authorities that would require any party to assess, investigate, or cleanup the site; ☐ YES ☐ NO or

iii) a citizen suit, contribution action or other 3<sup>rd</sup> party claim against the current or immediate past owner, that would, if successful, require that party to assess, investigate, or clean up the site ☐ YES ☐ NO ;

Explain any “yes” answers \_\_\_\_\_

*Skip to “2e.” if the site was acquired through tax foreclosure, abandonment or equivalent government proceedings; if not, answer question 2c and 2d.*

c) The current owner is: \_\_\_\_\_ [fill in the blank] Has the current owner:

i) dispensed or disposed of petroleum or petroleum product at the site? ☐ YES ☐ NO

ii) owned the property during the dispensing or disposal of petroleum product at the site?  
☐ YES ☐ NO

iii) exacerbated the contamination at the site? ☐ YES ☐ NO

iv) taken reasonable steps with regard to contamination at the site, ☐ YES ☐ NO.

Explain any “yes” answers \_\_\_\_\_

d) The immediate past owner is: \_\_\_\_\_ [fill in the blank] Has the immediate past owner:

i) dispensed or disposed of petroleum or petroleum product at the site? ☐ YES ☐ NO

ii) owned the property during the dispensing or disposal of petroleum product at the site?  
☐ YES ☐ NO

iii) exacerbated the contamination at the site? ☐ YES ☐ NO

iv) taken reasonable steps with regard to contamination at the site, ☐ YES ☐ NO.

Explain any "yes" answers \_\_\_\_\_

e) Based on the above, for purposes of Brownfields funding, is there a responsible party?  
☐ YES ☐ NO If "YES" go on to #2.f, if "NO" proceed directly to #3

f) If there is a responsible party, is that party viable (has adequate financial resources to pay for assessment of the site)? ☐ YES ☐ NO If "NO", explain the basis for that conclusion:

\_\_\_\_\_  
\_\_\_\_\_  
*If there is a viable responsible party the petroleum site is ineligible. If there is no responsible party, or if there is a responsible party who is not viable, continue. NOTE: States may apply their own laws and regulations to make the petroleum site determination instead of the previous questions; if they do so, please provide their determination and rationale.*

3) "Cleaned Up By a Person Not Potentially Liable"

a) Has the grantee ever

i) dispensed or disposed of petroleum or petroleum product at the site? ☐ YES ☐ NO

ii) exacerbated the contamination at the site? ☐ YES ☐ NO

If "YES" to either 3a.i. or 3.a.ii, explain how the grantee took "reasonable steps" with respect to the contamination.

\_\_\_\_\_  
\_\_\_\_\_  
4) Is the site "subject to any order issued under Sec. 9003 (h) of the Solid Waste Disposal Act?"  
☐ YES ☐ NO

## **G. ACCESS**

Does grantee have access or an access agreement for this property? ☒ YES ☐ NO (If NO, explain how & when access will be acquired.) \_\_\_\_\_

## **H. SITE ELIGIBILITY DETERMINATION BY GRANTEE**

Site is ☐ /is not ☐ eligible for site assessment activities using EPA Brownfields Funds  
-- OR --

☒ Site is eligible for site assessment activities using EPA Brownfields Funds but requires EPA Property -Specific Determination, for which additional info is provided on next page.

Melissa Bacon  
Name of Person Who Completed Evaluation

05/20/11  
Date:

+++++ **EPA Review Results** +++++

☐ EPA accepts grantees determination site is eligible based on information provided [Explain if EPA is making the Petroleum Determination;

☐ EPA accepts grantees determination site is eligible based on information provided and the Property Determination documented in Appendix A (see next page); or

☐ EPA does not have sufficient or appropriate information to agree the site is eligible. Need the following information or need to discuss

\_\_\_\_\_  
\_\_\_\_\_

EPA Representative: \_\_\_\_\_ Date: \_\_\_\_\_

APPENDIX A: [IF REQUIRED] INFORMATION TO SUPPORT PROPERTY SPECIFIC DETERMINATION by EPA

Explain why Brownfields financial assistance is needed and how it will protect human health and the environment and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways undeveloped property, other recreational property, or other property used for nonprofit purposes

Please see attached memo titled "Property Specific Funding Determination for Ft. Lapwai in Lapwai, ID"

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FOR EPA USE:

Site is excluded from the definition of a Brownfields site in 101(39)(B) but EPA has determined the site is ☐ /is not ☐ eligible for funding per 101(39)(C) based on the information provided by the requestor.

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EPA Brownfields Project Manager

---

Date



*Nez Perce*

**WATER RESOURCES DIVISION**

P.O. BOX 365 • LAPWAI, ID 83540 • (208) 843-7368 • FAX (208) 843-7371

April 27, 2011

Deborah Burgess  
U.S. Environmental Protection Agency - Region 10  
300 Desmond Drive, SE, Suite 102  
Lacey, WA 98503

**Re: Property Specific Funding Determination for Ft. Lapwai in Lapwai, Idaho**

**Executive Summary**

The Nez Perce Tribe (NPT), Water Resources Division is requesting to assess, sample, and clean up two buildings at Ft. Lapwai. The buildings, the former Early Childhood Development Program/Head Start (ECDP) building and the Lapwai School District Superintendent's Office (Lapwai School District) are located on the Reservation within Lapwai, Idaho city limits (Figure 1.). A discussion of the suspected contamination is described under the heading *Site History*.

**INTRODUCTION**

The Tribe plans to use funds for site-specific activity at Ft. Lapwai, which is excluded from the definition of a brownfields site in CERCLA Section 101(39)(A) and (B), but is eligible for a property-specific funding determination. The Tribe is providing information sufficient for EPA to make a property-specific funding determination. Sites eligible for property-specific funding are defined in CERCLA Section 101 (39)(C). The Tribe must comply with the following requirements:

- The Tribe must not incur any site-specific costs for those sites which require a property-specific funding determination under this agreement (other than those necessary to provide information to EPA) until EPA makes a property specific funding determination.
- The Tribe must submit to EPA a written request for a property-specific funding determination. The request must include information about the site (e.g., name, location, owners) and explain how the financial assistance will:
  - protect human health and the environment, and
  - either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

In response to the first requirement, the Tribe has not incurred any site-specific costs for Ft. Lapwai, which requires a property-specific funding determination under this agreement (other than those necessary to provide information to EPA), until EPA makes a property specific funding

determination.

In response to the second requirement, the Tribe is submitting this written request to EPA for a property-specific funding determination. The request includes information about the site (e.g., name, location, owners) and explains how the financial assistance will:

- protect human health and the environment, and
- either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

## **SITE HISTORY**

Information obtained from the National Parks Service website details Ft. Lapwai (Figures 2. and 3.):

Two sites are listed as part of Nez Perce National Historical Park: the duplex Officers' Quarters, built in 1883, and the Northern Idaho Indian Agency building. Troops were assigned to the Lapwai Valley in response to the gold rush. The fort was in use from 1862 to 1885. It was here that General Oliver O. Howard met with the leaders of the Nez Perce nontreaty bands on May 3, 1877, as they made one last attempt to remain on their land. The Northern Idaho Indian Agency, originally located at Spalding, was relocated to Fort Lapwai in 1904. Fort Lapwai was converted into a government Indian school and then into a tuberculosis sanatorium with a hospital, boys' and girls' dormitories, and a school. Fort Lapwai is held in trust by the Bureau of Indian Affairs for the Nez Perce Tribe. The agency building is owned by the Lapwai School District (NPS).

The Lapwai School District building, which was formerly the tuberculosis sanatorium, was closed many years ago amid the following concerns:

- Mold;
- Lead paint contamination;
- Asbestos presence;
- Radon test and inspection of the radon gas pipes/fan system to make sure the equipment operates properly; and
- CO2 buildup in building, which requires an improved HVAC system, fresh air intake, and continuous fan operation or a CO2 level triggered system.

The ECDP building was in use until approximately two years ago. The building housed the Early Childhood Development Program and was shut down upon concerns regarding:

- Mold from ongoing leaks in the basement, kitchen, and restrooms;
- Lead paint contamination;
- Asbestos presence;
- Radon test and inspection of the radon gas pipes/fan system to make sure the equipment operates properly; and
- CO2 buildup in building, which requires an improved HVAC system, fresh air intake, and continuous fan operation or a CO2 level triggered system.

An online article details the cultural sensitivity regarding the Fort's history:

The history of Fort Lapwai is entangled with one of the darkest times in US History; the removal, relocation, and reeducation of Native Americans. The buildings of the fort were used as offices, dormitories, and also a tuberculosis hospital and sanitarium by the U.S.



Calvary during the early settlement days. The building that housed Head Start classes, has had a variety of paranormal activity downstairs; toys are often found as if they had been played with-after they had been put away, mysterious lights have been witnessed, and apparitions have been seen, rocking chairs move without anyone in them, among other strange occurrences. Other rooms also have activity, but the basement of this particular building seems to have the most (Bennitt 2009).

One may infer that since many people died from tuberculosis while being treated at the sanatorium, that cultural sensitivity for reuse of the building might be of issue. Blessings or cleansings by tribal members may need to occur before reoccupation of the buildings.

## **REGULATORY HISTORY**

There has been no regulatory action at this site.

## **REDEVELOPMENT POTENTIAL**

Anne McCormack of the Nez Perce Tribe's Economic Redevelopment stated that in early September of this year a group of people from the University of Idaho would tour Lapwai to identify good uses for tribal properties. From this meeting, the Tribe will consider redevelopment options for the ECDP and Lapwai School District buildings.

## **SITE ASSESSMENT NEEDS**

Prior to commencement of site assessment work, the National Historic Act of 1966 requires identification of any cultural resources in the immediate area so the resources can be avoided or appropriate mitigation actions taken. The NPT Cultural Resources Archeologist will direct an investigation that will include:

- Background research,
- Pedestrian survey of the project area, and
- Subsurface testing for presence or absence of cultural material.

The Tribe would like to conduct a phase I environmental site assessment (ESA) and recommendations to pursue a Phase II ESA, including sampling activities or contracting sampling activities to identify the types and concentrations of contaminants and the areas of contamination to be cleaned up.

## **SITE CLEANUP**

At this time tribal funds have not been requested because the extent of the contamination is unknown and cost for cleanup is uncertain. Tribal leadership needs more information to begin making plans for this property.

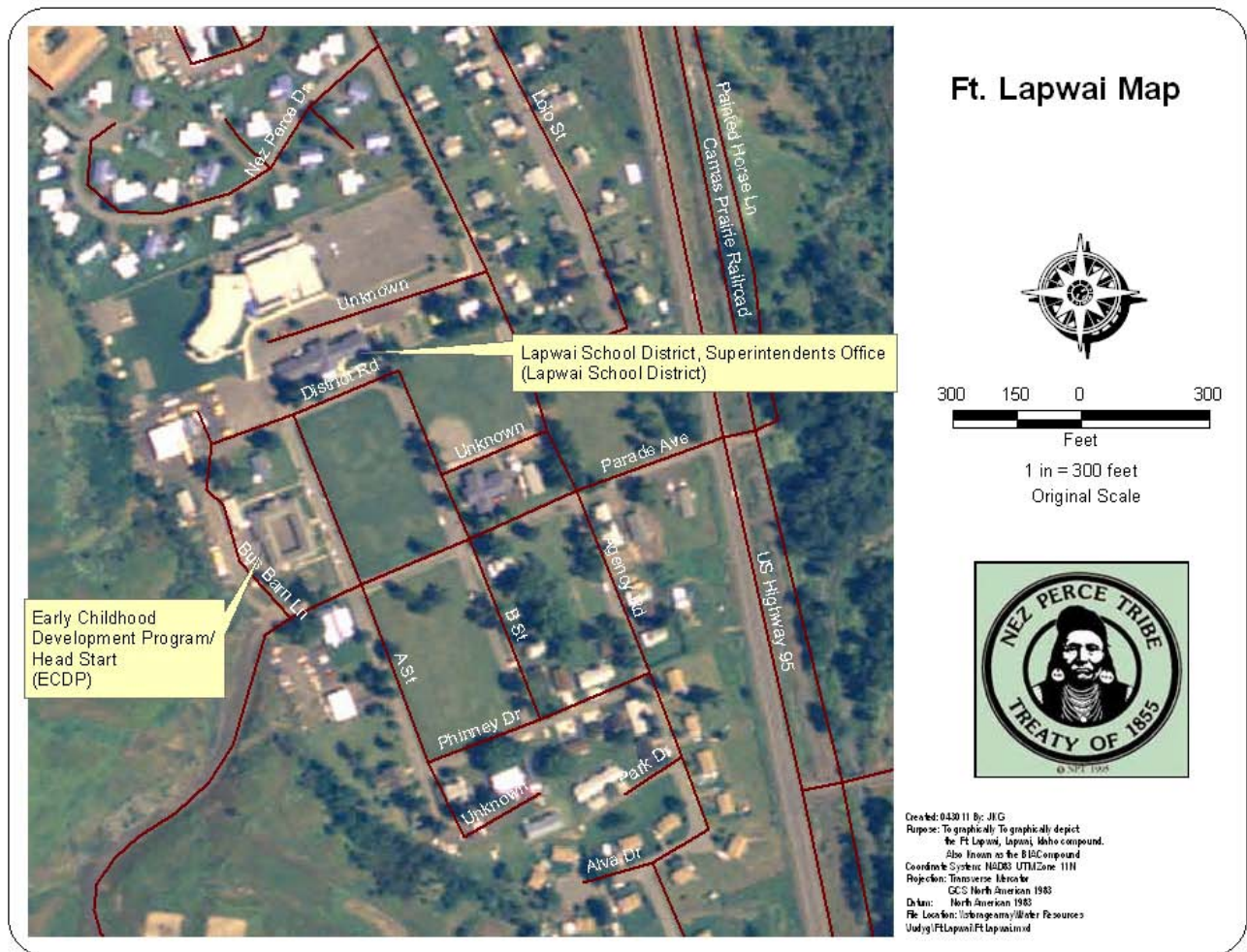


Figure 1. Map of Lapwai School District Superintendent's Office (Lapwai School District) and Early Childhood Development Program/Head Start (ECDP) buildings in Lapwai, ID.



Figure 2. Nez Perce school children at Fort Lapwai, Idaho, ca. 1900. Photographer E.G. Cummings. Photo courtesy of [http://content.lib.washington.edu/cdm4/item\\_viewer.php?CISOROOT=/loc&CISOPTR=569&CISOBOX=1&REC=10](http://content.lib.washington.edu/cdm4/item_viewer.php?CISOROOT=/loc&CISOPTR=569&CISOBOX=1&REC=10)



Figure 3. Fort Lapwai, Idaho, date unknown. Photographer unknown. Photo courtesy of <http://www.unearthlyrealms.com/reports/haunting-reports/658-id-lapwai-fort-lapwai>

## **Bibliography**

Bennick, S. 09/13/09. ID: Lapwai: Fort Lapwai. *Unearthly realms*. Retrieved 04/20/11, from <http://www.unearthlyrealms.com/reports/haunting-reports/658-id-lapwai-fort-lapwai>

Cummings, E.B. Nez Perce school children at Fort Lapwai, Idaho. ca. 1900. Retrieved 04/20/11, from [http://content.lib.washington.edu/cdm4/item\\_viewer.php?CISOROOT=/loc&CISOPTR=569&CISOBOX=1&REC=10](http://content.lib.washington.edu/cdm4/item_viewer.php?CISOROOT=/loc&CISOPTR=569&CISOBOX=1&REC=10)

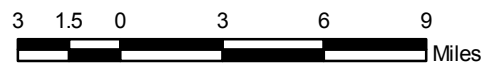
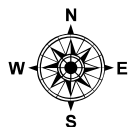
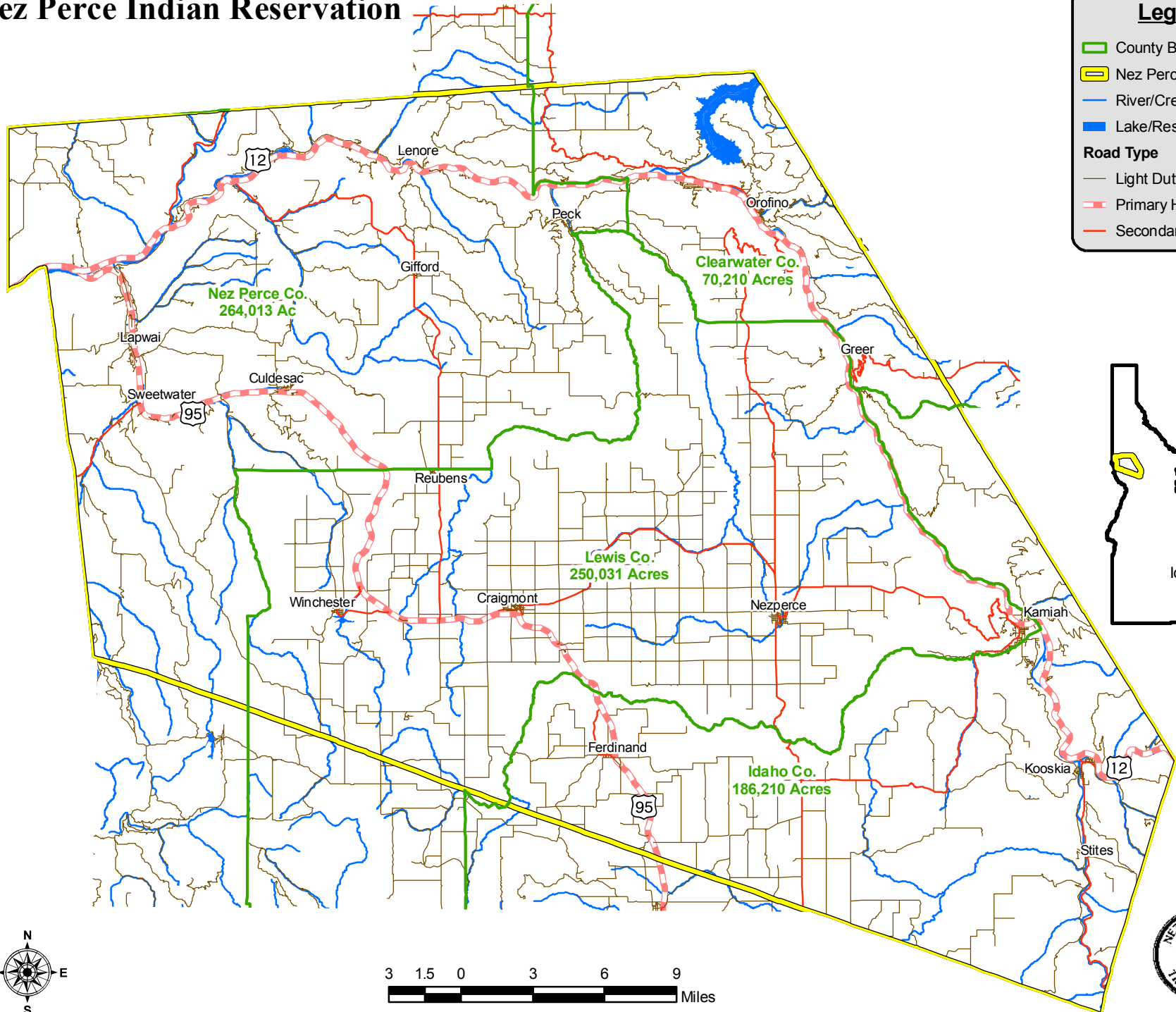
National Park Service. <http://www.nps.gov/.../GENERAL%20MANAGEMENT%20PLAN.doc> accessed on April 20, 2011 updated on Sept 1997

Unknown photographer. Ft. Lapwai, ID. Date unknown. Retrieved 04/20/11, from <http://www.unearthlyrealms.com/reports/haunting-reports/658-id-lapwai-fort-lapwai>

# Nez Perce Indian Reservation

## Legend

- County BND
- Nez Perce Reservation
- River/Creek
- Lake/Reservoir
- Road Type**
- Light Duty Road
- Primary Highway
- Secondary Highway



## Application for Federal Assistance SF-424

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

12/22/2016

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

### 8. APPLICANT INFORMATION:

\* a. Legal Name:

Nez Perce Tribe

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

(b) (6)

\* c. Organizational DUNS:

(b) (6)

### d. Address:

\* Street1:

120 Bever Grade

Street2:

PO Box 365

\* City:

Lapwai

County/Parish:

\* State:

ID: Idaho

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code:

83540-0365

### e. Organizational Unit:

Department Name:

Natural Resources

Division Name:

Water Resources

### f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

\* First Name:

Kevin

Middle Name:

\* Last Name:

Brackney

Suffix:

Title:

Groundwater Program Leader

Organizational Affiliation:

\* Telephone Number:

208-843-7368

Fax Number:

208-843-737

\* Email:

kevinb@nezperce.org

## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

### \* 10. Name of Federal Agency:

Environmental Protection Agency

### 11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

### \* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-16-08

\* Title:

FY17 Guidelines for Brownfields Assessment Grants

### 13. Competition Identification Number:

NONE

Title:

### 14. Areas Affected by Project (Cities, Counties, States, etc.):

AreaMapfor Grants.pdf

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

Brownfield Coalition Assessment Grant Application for Lapwai Community of Idaho

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments



**Application for Federal Assistance SF-424****16. Congressional Districts Of:**

\* a. Applicant 001-ID

\* b. Program/Project 001-ID

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date: 10/01/2017

\* b. End Date: 09/30/2020

**18. Estimated Funding (\$):**

* a. Federal	467,623.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	467,623.00

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix: Ms. \* First Name: Mary Jane

Middle Name:

\* Last Name: Miles

Suffix:

\* Title: Chairman

\* Telephone Number: 208-843-7342

Fax Number: 208-843-7354

\* Email: maryjanem@nezperce.org

\* Signature of Authorized Representative: Anthony Broncheau

\* Date Signed: 12/22/2016